

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 8, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-31384 - APPLICANT: FOREST CITY - OWNER: CITY PARKWAY IV A, INC.

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. Non-restricted gaming shall be allowed only within the area of the existing APN 139-34-110-005, regardless of any future changes to said parcel line.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning to G-O (Gaming Enterprise Overlay) implementing a gaming enterprise district on 6.42 acres located southeast of City Parkway and Grand Central Parkway. The application is intended to allow a 1,000-room resort hotel with 120,000 square feet of Non-Restrict Gaming space.

The submitted application is consistent with the requirements of LVMC Title 19.06.070, LVMC Title 6.40.160, and Nevada Revised Statutes §463; consequently, staff recommends approval of the request.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|---|---|
| 11/23/98 | The City Council approved a Rezoning (Z-0100-97) to PD (Planned Development) on the subject property. The Planning Commission and staff recommended approval. |
| 01/02/02 | The City Council approved the Parkway Center Development Standards, which have since been incorporated as part of the Las Vegas Downtown Centennial Plan. |
| 11/15/06 | The City Council approved a Site Development Plan Review application (SDR-16267), detailing the master site plan for the Union Park Development. The Planning Commission recommended approval of the request on 11/05/06. |
| 01/03/07 | The Union Park Design Standards manual (TXT-16302) was adopted by City Council, which establishes the development standards for the site and the Union Park Design Review Committee (UP-DRC). The Planning Commission recommended approval of the document on 11/05/06. |
| 02/20/08 | The City Council approved minor revisions to the Union Park Design Standards manual (TXT-23991), and incorporated the Union Park Schematic Streetscape Design document by reference. The Planning Commission recommended approval of the revisions on 09/27/07. |
| 11/21/08 | The UP-DRC recommended approval of a casino/hotel development on the site, subject to conditions. |
| 01/08/09 | The Planning Commission will consider associated Site Development Plan Review (SDR-32128) and Special Use Permit (SUP-32617) applications concurrently with this request. |

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| <i>Related Building Permits/Business Licenses</i> | |
|--|---|
| 07/25/07 | A Building Permit (#23434) was issued for off-site gas service installation for Union Park Phase II per Southwest Gas utility plans. The permit was completed on 08/13/07. |
| 08/15/07 | A Building Permit (#23972) was issued for an off-site gas service installation for Union Park Phase I. The final inspection was performed on 09/12/07. |
| 10/04/07 | A Building Permit (#24979) was issued for off-site phone conduit feeder for Union Park. The permit was closed out on 08/05/08. |
| 12/13/07 | A Building Permit (#18393) was issued for Phase I design and development of the 61-acre Union Park site. The permit is still active. |
| 12/13/07 | A Building Permit (#24669) was issued for Phase II design and development of the Union Park site. Improvements include roadways, parking, and landscaping. The permit remains active. |
| 01/22/08 | A Building Permit (#26504) was issued for a five terminal test station. The permit remains active. |
| 05/12/08 | A Building Permit (#114816) was issued for a temporary construction trailer. The permit remains active. |
| 08/18/08 | A Building Permit (#29500) was issued for a gas main line installation at City Parkway and Discovery Avenue. The final inspection was performed on 11/20/08. |
| <i>Pre-Application Meeting</i> | |
| 11/10/08 | At the pre-application meeting, issues were discussed relative to the documentation necessary for the G-O Gaming Overlay, conformance with NRS enterprise district requirements, and the provision of a survey showing distance from protected uses. Elements of the site plan were also discussed, including the need for the applicant to obtain approval from the UP-DRC prior to Planning Commission consideration. |
| <i>Neighborhood Meeting</i> | |
| N/A | A neighborhood meeting is not required, nor was one held. |
| <i>Field Check</i> | |
| 12/18/08 | A visual inspection was conducted of the site. The Union Park site is being used as a staging and parking area for the construction of the Bus Rapid Transit line on Grand Central Parkway. |

| <i>Details of Application Request</i> | |
|--|------|
| <i>Site Area</i> | |
| Net Acres | 6.42 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|--------------------------|-------------------------|--------------------------|
| Subject Property | Undeveloped | MXU (Mixed-Use) | PD (Planned Development) |
| North | Office Use | MXU (Mixed-Use) | PD (Planned Development) |

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| | | | |
|-------|--------------------------------------|-----------------|--|
| South | Undeveloped | MXU (Mixed-Use) | PD (Planned Development) |
| East | Hotel Use, Non-Restricted Gaming Use | C (Commercial) | C-2 (General Commercial), M (Industrial) |
| West | Undeveloped | MXU (Mixed-Use) | PD (Planned Development) |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|------------|-----------|-------------------|
| Special Area Plan | | | |
| Downtown Centennial Plan | X | | Y |
| PD Planned Development District | X | | Y |
| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| Special Purpose and Overlay Districts | | | |
| PD Planned Development District | X | | Y |
| Downtown Overlay District | X | | Y |
| G-O Gaming Enterprise Overlay District | X | | Y |
| A-O Airport Overlay District | X | | N ¹ |
| Downtown Casino Overlay District | X | | Y |
| Development Impact Notification Assessment | X | | Y ² |
| Project of Regional Significance | X | | Y ² |

¹The project as proposed will require a separate Special Use Permit application (SUP-32617), regarding height over 175 feet within the Airport Overlay District, which has been submitted to address this issue.

²A DINA/PRS form was submitted with the master site plan (SDR-16267) for the entire Union Park development. A copy of the form is included in the case file for reference.

ANALYSIS

This request for the implementation of a gaming enterprise district is being made in conjunction with a proposal to develop a 1,000-room resort hotel and Non-Restricted Gaming facility on the subject property. The proposed use is consistent with the master development plan for Union Park and the adopted Union Park Design Standards.

Title 19.06.070 requires that any change or request to implement a Gaming Enterprise Overlay District shall be in accordance with the Rezoning procedures established in LVMC 19.18.040, as well as the requirements of State law and LVMC 6.40.160. This application has been filed in accordance with the code sections listed above.

Nevada Revised Statutes (NRS) 463.3086 establishes the requirements to allow non-restricted gaming outside of the Las Vegas Boulevard Gaming Corridor or an existing Gaming Enterprise District. Issues as addressed in NRS 463.3086.6 include:

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1. The roads, water, sanitation, utilities and related services to the location are adequate;
2. The proposed establishment will not unduly impact public services, consumption of natural resources and the quality of life enjoyed by residents of the surrounding neighborhoods;
3. The proposed establishment will enhance, expand and stabilize employment and the local economy;
4. The proposed establishment will be located in an area planned or zoned for that purpose pursuant to NRS 278.010 to 278.630, inclusive;
5. The proposed establishment will not be detrimental to the health, safety or general welfare of the community or be incompatible with the surrounding area.

Please note the following staff findings relative to the requirements listed above:

1. Water, sanitation, utilities and related services will be adequate to support the proposed development. Streets within the Union Park development have been dedicated and Phase I infrastructure improvements are currently underway. An initial Traffic Impact Analysis has been submitted for the Union Park site, and will be updated as individual projects are developed to evaluate if any additional mitigation measures are necessary. A dedicated Bus Rapid Transit line is under construction along Grand Central Parkway and will assist in reducing traffic impacts. A recent study conducted by the City of Las Vegas and Nevada Power has determined the power needs in the downtown area and led to the proposed development of an additional substation to serve the area.
2. The proposed development will enhance the appearance and economic well-being of the area. The development will be required to obtain LEED certification in accordance with the Union Park Development Standards, which serves to mitigate and reduce its consumption of natural resources and environmental impact. The somewhat insular location of Union Park reduces the impact of the proposed development on adjacent neighborhoods.
3. The proposed development will bring additional jobs to the city of Las Vegas, enhance the downtown tourist market, support businesses in the Parkway Center area, and expand the local economy.
4. Applications have been filed to allow the proposed uses (SDR-32128 and SUP-32617) on the subject development site. The applications have been filed in accordance with NRS 278 and City of Las Vegas requirements.

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5. The proposed development will not be a detriment to the health, safety or general welfare of the community.

In addition to the above requirements, NRS 463.3086 states that the boundary of the site, defined as the “property line,” must meet the following separation requirements on the date that the petition was filed:

1. 500 feet from the property line of a developed residential district; and
2. 1,500 feet from the property line of a public school, private school or structure used primarily for religious services or worship; and
3. The proposed establishment will not impact a residential district, school or religious facility.

The application contains an exhibit, prepared by the City Surveyor, showing the distances to all uses listed by NRS. The survey documents that the nearest residential district is 1,645 feet from the property, the nearest church is 1,505 feet from the property, the nearest school is 3,272 feet from the property. The location of the proposed Non-Restricted Gaming use exceeds the minimum separation requirements specified by NRS 463.3086, and will not impact protected uses.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. **“The proposal conforms to the General Plan.”**

The proposed application is consistent with the General Plan. The Future Land Use designation of the site, MXU (Mixed-Use), permits a broad spectrum of residential and commercial uses, including the hotel and non-restricted gaming uses proposed for the site.

2. **“The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

The proposed uses are compatible with the surrounding uses and zoning districts, and are specifically anticipated as part of the adopted plan for the Union Park development.

3. **“Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

The proposed development will enhance the downtown area and will provide a positive economic impact.

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4. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”

Measures are in place to provide adequate street and highway access to the proposed development. Furthermore, a transit line is being developed adjacent to the subject site to serve the needs of the Union Park development.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 330

APPROVALS 2

PROTESTS 0